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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

**HINDU AMERICAN FOUNDATION, INC.,
a Florida Not-For-Profit Corporation;
SAMIR KALRA; MIHIR MEGHANI;
SANGEETHA SHANKAR; DILIP AMIN,
SUNDAR IYER, RAMANA KOMPELLA,
SHAISHAV DESAI, and SRIVATS IYER,
as individuals;**

Plaintiffs,

v.

**KEVIN KISH, an individual, in his official
capacity as Director of the California Civil
Rights Department; and Does 1-50,
inclusive,**

Defendants.

Case No. 2:22-CV-01656-DAD-JDP

**DECLARATION OF CARLY J.
MUNSON IN SUPPORT OF
APPLICATION TO EXTEND PAGE
LIMITATION FOR DEFENDANT'S
FORTHCOMING MOTION TO DISMISS
PLAINTIFFS' SECOND AMENDED
COMPLAINT**

Compl. filed: September 20, 2022

Second Am. Compl. filed: August 27, 2024

Judge: Hon. Dale A. Drozd

1 I, Carly J. Munson, declare as follows:

2 1. I am an attorney admitted to practice before the courts of the State of California and
3 before this Court. I am a Deputy Attorney General with the Office of the Attorney General,
4 which represents Defendant Kevin Kish in his official capacity as the Director of the California
5 Civil Rights Department in the above-captioned matter.

6 2. I make this declaration in support of Director Kish's Application to Extend Page
7 Limitation for Defendant's Motion to Dismiss Plaintiffs' Second Amended Complaint. If called
8 as a witness, I would and could competently testify to the facts stated herein, all of which are
9 within my personal knowledge.

10 3. On September 21, 2023, the Hindu American Foundation filed its First Amended
11 Complaint (FAC) against Director Kish. (ECF No. 21). The FAC included two new claims in
12 addition to amended versions of the three original claims, as well as pleading an additional basis
13 for standing. (*Id.*) The FAC also listed nine new plaintiffs, including three identified only as
14 "Doe One," "Doe Two," and "Doe Three." (*Id.*; *see also* ECF No. 24).

15 4. On May 9, 2024, Defendant Kish sought and was granted an additional fifteen pages
16 for his then-forthcoming memorandum of points and authorities in support of his Motion to
17 Dismiss Plaintiffs' FAC. (ECF Nos. 36, 38). On May 20, 2024, Director Kish filed his Motion to
18 Dismiss Plaintiffs' FAC. (ECF No. 41).

19 5. On August 13, 2024, the Court ordered Plaintiffs to identify or dismiss the three
20 unidentified "Doe" plaintiffs within 14 days. (ECF No. 49). In the same order, the Court denied
21 Director Kish's Motion to Dismiss Plaintiffs' FAC as moot, but invited him to renew his motion
22 after Plaintiffs had amended their complaint. (*Id.*)

23 6. On August 27, 2024, the Hindu American Foundation filed its Second Amended
24 Complaint (SAC) against Director Kish. (ECF No. 50). Like the FAC, the SAC raises two new
25 constitutional claims, amended versions of the three original claims, and an additional basis for
26 standing. (*Id.*) The SAC also lists eight individual plaintiffs. (*Id.*)

27 7. Director Kish intends to file his renewed motion to dismiss Plaintiffs' SAC on or
28 before the current September 10, 2024, deadline. (*See* Fed. R. Civ. Proc. 15(a)(3)). In his

1 forthcoming motion, Director Kish intends to raise four grounds for dismissal: (1) abstention
2 under *Younger v. Harris* (401 U.S. 37 (1971)); (2) all Plaintiffs' lack of standing under Rule
3 12(b)(1); (3) mootness as to Plaintiffs Sundar Iyer and Ramana Kompella's alleged claims for
4 discrimination on the basis of national origin under the Equal Protection Clause; and (4) all
5 Plaintiffs' failure to state a claim for relief under Rule 12(b)(6).

6 8. Although Director Kish will endeavor to be concise and efficient with this arguments,
7 as with his Motion to Dismiss the FAC, he requires an additional 15 pages in order to adequately
8 address each basis for dismissal for each Plaintiff and each claim.

9 I declare under penalty of perjury under the laws of the United States of America that the
10 foregoing is true and correct, and this declaration was executed at Sacramento, California this 28th
11 day of August, 2024.

12 /s/ Carly J. Munson

13 CARLY J. MUNSON
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